IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 311 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KASIM IBRAHIM FITTER

Versus

SABBIR AHMED GULAM MOHMAD DINATH

Appearance:

MS KJ BRAHMBHATT for Appellants No. 1-4

MR KM SHETH for Respondents No. 1-3

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 31/01/2002

ORAL JUDGEMENT

1. Heard Ms.K.J.Brahmbhatt, learned advocate for the appellants and Mr.K.M.Sheth, learned advocate for the respondents.

2. Learned advocates for both the parties jointly

submit that this appeal be disposed of by giving suitable direction to the learned Judge of the trial Court as well as both the parties, without assigning reasons in this order.

3. Having heard the arguments of learned advocates for both the parties and having gone through the impugned order and having considered the grounds stated in the appeal memo this Court is of the view that, this appeal is required to be disposed of by giving suitable direction to the learned Judge of the trial Court as well as the parties. Accordingly, this appeal is disposed of by giving following directions.

i. The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.203 of 2000, which is pending on the file of Civil Judge (S.D.), Surat, as expeditiously as possible preferably within one and half years from the date on which the suit becomes ready in all respects, for recording evidence, if any, of both the parties.

ii. Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court, so as to enable him to dispose of the suit within a given time.

iii. Meanwhile, the order dated 20/9/2000 passed by this Court in Civil Application No.7402 of 2000 and which has been confirmed on 4/10/2000, shall remain operative and effective till the final disposal of the suit. Copy of the said orders passed on 20/9/2000 and 4/10/2000 in Civil Application No.7402 of 2000 be sent with writ of this order to the trial Court.

3. In view of the aforesaid directions given by this Court, at the instance of both the parties, this appeal stands disposed of accordingly. No order as to costs. Direct service is permitted.

(H.H.Mehta,J.)

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